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LAW DEPARTMENT

NOTIFICATION

The 6th January, 2022

No.228—I-Legis-32/2021/L.—The following Ordinance promulgated by the Governor of Odisha on the 4th January, 2022 is hereby published for general information.

ODISHA ORDINANCE NO.01 OF 2022

THE ODISHA MUNICIPAL CORPORATION (AMENDMENT) ORDINANCE, 2022

AN

ORDINANCE

FURTHER TO AMEND THE ODISHA MUNICIPAL CORPORATION ACT, 2003.

WHEREAS, the Legislative Assembly of the State of Odisha is not in session;

AND, WHEREAS, the Governor of Odisha is satisfied that circumstances exist which render it necessary for him to take immediate action to amend Odisha Municipal Corporation Act, 2003 in the manner hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause(1) of Article 213 of the Constitution of India, the Governor of Odisha is pleased to promulgate the following Ordinance in the Seventy-second Year of the Republic of India:—

1. (1) This Ordinance may be called the Odisha Municipal Corporation (Amendment) Ordinance, 2022.

(2) It shall come into force at once.

2. In the Municipal Corporation Act, 2003 (hereinafter referred to as the principal Act), in Chapter XXI,—

(a) for the heading “PROPERTY RIGHT TO SLUM DWELLERS”, the heading “PROPERTY RIGHT AND LAND RIGHT TO SLUM DWELLERS” shall be substituted;

(b) in Section 482,—

(i) for clause (b), the following clause shall be substituted,

Short title and commencement

Amendment of Section 482.

namely:—

“(b)“Authorised Officer” means the head of the Slum Development and Rehabilitation Committee or any officer Authorised by the Government, to exercise such powers, as may be specified, by notification;

- (ii) in clause (d), for the word “Redevelopment”, the word “Development” shall be substituted;
- (iii) in clause (f), for the words “as provided in the Scheme”, the words “as notified by the Government, from time to time” shall be substituted;
- (iv) in clause(k), for the words “property rights”, the words “property right or land right, as the case may be” shall be substituted;
- (v) after clause(k), the following clause shall be inserted, namely:—
“(k-1) “Land right” means right to land assigned to slum dwellers, under section 483;
- (vi) clause (p) shall be omitted;
- (vii) in clause (q), the words “a scheme for” shall be omitted;
- (viii) clause (r) shall be omitted; and
- (ix) after clause(u), the following clause shall be inserted, namely:—
“(v) “in-situ development” means the process of development of existing slum areas by providing basic civic and infrastructural services to the slum dwellers, on the land on which the slum is based;”

Amendment of
Section 483. 3. In Section 483 of the principal Act,—

- (a) for the marginal heading, the following marginal heading shall be substituted, namely:—
“Land Right or Property Right to slum dweller”;
- (b) for sub-section (1) including proviso thereto, the following sub-sections shall be substituted, namely:—
“(1) Notwithstanding anything contained in this Act, or in any

other State law for the time being in force, and subject to provisions of sub-sections(1A) and (1B) and also technical and operational feasibility, every landless person in occupation of land in a slum in any Corporation area, by such date as may be notified by the Government, shall be entitled for settlement of land or to allotment of a dwelling space, as the case may be, in such manner and on such terms and conditions as notified by the Government, from time to time.

(1A) The land if settled in favour of a slum dweller, shall be to the extent specified hereinafter, namely:—

(a) A slum dweller shall be entitled to a land as nearly as may be, not exceeding forty-five square meter:

Provided that where a slum dweller is not getting in-situ settlement, in such event, land in a relocation site shall be settled to the extent of thirty square meters:

Provided further that where the slum dweller is in occupation of land less than the area mentioned in clause (a), the land in actual occupation of such slum dweller or to the extent of thirty square meter, whichever is higher, shall be settled, subject to availability of land adjacent to the dwelling unit of such slum dweller.

(b) Where the slum dweller belongs to EWS category,—

(i) the land if settled shall be settled at free of cost; and
 (ii) where settlement of land is made in excess of thirty square meter subject to maximum limit fixed in clause (a), the cost of such excess land shall be calculated at such percentum of the benchmark value of land as may be determined by the Government, from time to time;

(c) Where the slum dweller belongs to any category other than EWS category, but eligible otherwise, the land if settled, shall be settled at such cost which shall be calculated at such percentum of the benchmark value of the land, as may be determined by the Government, from time to time;

(d) Where a slum dweller occupies land beyond the maximum

permissible limit provided under clause (a), he shall voluntarily vacate such excess land and the Authorised Officer shall take over the possession of such excess land before the issue of the certificate of land right.

(1B) The dwelling space, if allotted to a slum dweller belonging to EWS category shall be of such size, at such affordable cost, in such manner and on such terms and conditions as notified by the Government, from time to time.”;

- (c) in sub-section (2), after the words “certificate of property right”, and before the words “by the authorised officer”, the words “or a certificate of land right, as the case may be” shall be inserted;
- (d) for sub-section (3) including the provisos thereto, the following sub-section shall be substituted, namely: —

“(3) The land so settled or the dwelling space, so allotted, as the case may be, under sub-section (1), shall be heritable but not transferable by sub-lease, sale, gift, or any other manner whatsoever:

Provided that if the dwelling space so allotted is a dwelling unit then the same may be transferred to another eligible beneficiary after ten years from the date of its handover on such terms and conditions as notified by the Government, from time to time.”;

- (e) in sub-section (4), after the words “Certificate of Property right” and before the words “shall be issued”, the words and comma “or the certificate of land right, as the case may be” shall be inserted;
- (f) for sub-section (5), the following sub-section shall be substituted, namely: —

“(5) If the slum dweller, with whom the land has been settled or right has been accrued for allotment of any land under this Act or to whom the dwelling space has been allotted, as the case may be, transfers such land or dwelling space except by way of mortgage in contravention of sub-section (3) or uses the said land or dwelling space for any purpose other than residential purpose, the following consequences shall follow, namely:—

- (a) the certificate of land right or the certificate of property right, as the case may be, issued under sub-section (2) shall stand automatically cancelled;
- (b) such transfer shall be null and void;
- (c) no rights shall accrue to the transferee in respect of such land or dwelling space, as the case may be;
- (d) the Authorised Officer shall dispossess the person who is in actual possession of such land or dwelling space, as the case may be;
- (e) such slum dweller shall be debarred from getting any land or dwelling space under this Act; and
- (f) such slum dweller shall be guilty of an offence under this Chapter.”

(g) for sub-section (6), the following sub-section shall be substituted, namely: —

“(6) The slum dweller with whom the land has been settled, or to whom the dwelling space has been allotted, as the case may be, under this Chapter, shall not hold any certificate of land right or certificate of property right in any other urban area of the State and if he holds any such certificate, he shall surrender all such certificates to the Authorised Officer in such manner as may be notified by the Government, from time to time.

Explanation.— For the purposes of this section, the expression “urban area” includes the area comprised within the limits of municipal council and notified area council constituted under the Odisha Municipal Act, 1950.”;

Odisha
Act 23 of
1950

(h) for sub-section (7), the following sub-section shall be substituted, namely: —

“(7) If any slum dweller is found to have obtained more than one certificate of property rights or land rights, by way of misrepresentation of facts, the Authorised Officer shall, after giving reasonable opportunity of being heard to the slum

dweller, cancel all the certificate of the property right or land right and without prejudice to the penalty that may be imposed under this Chapter, dispossess the person from such dwelling space or land, as the case may be.”;

- (i) in sub-section (8), in the opening line, after the words “Certificate of Property right” and before the words, figure and bracket “under sub-section (2)”, the words “or Certificate of Land right” shall be inserted;
- (j) in sub-section (9), after the words “Certificate of Property right” and before the word “granted”, the words “or the certificate of land right” shall be inserted.

Amendment of
Section 484.

4. In Section 484 of the principal Act,—

- (a) for the marginal heading, the following marginal heading shall be substituted, namely:—
“Development and Rehabilitation of slums”;
- (b) for sub-section (1) including the provisos thereto, the following sub-section shall be substituted, namely: —
“(1) Subject to the provisions of this Chapter, the land right or the property right, as the case may be, conferred under sub-section (2) of Section 483 shall, as far as practicable, be provided in-situ and on as-is where-is basis in accordance with the provisions of this Chapter:

Provided that, where the Government decides that the site has untenable settlements or a separate layout has been identified or developed, as the case may be, then in such circumstances, the slum dwellers shall be rehabilitated elsewhere in accordance with the provisions of this Chapter:

Provided further that, —

- (i) where, it is decided that the slum dweller shall be rehabilitated elsewhere, the said site shall be utilized for any other purpose as the Government may decide;
- (ii) where, after providing land or the dwelling space, as the case may be, in the existing slum to a slum dweller, any land remains surplus, the Government may utilize such land for any purpose

as it may decide.”

(c) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In the event of in-situ development or rehabilitation, as the case may be, the applicable planning and building regulations shall be applied, and wherever any relaxation in planning norms are required, the same may be deemed to have been granted under permissible deviation under the said regulations.”

(d) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) During in-situ development of slum area, adequate transit arrangements shall be made for the slum dwellers as notified by the Government, from time to time.”

Amendment of
Section 485.

5. For Section 485 of the principal Act, the following section shall be substituted, namely:—

“485. All proceedings relating to eviction of slum dwellers pending on the ground of unauthorised occupation before any authority or Court under any State law shall abate on issue of certificate of land right or certificate of property right, as the case may be, under this Act.”

Amendment of
Section 486.

6. In Section 486 of the principal Act,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Slum Development and Rehabilitation Committee”;

(b) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) For the purpose of this Chapter, the Government shall, by notification, constitute a Committee called “Slum Development and Rehabilitation Committee” for each Corporation area with the name of such Corporation area, as it deems necessary and such Committee shall have the authority to approve the list of persons to whom the land shall be settled or the dwelling space shall be allotted, as the case may be, under

this Chapter and shall exercise jurisdiction over the areas and exercise such powers and functions as may be notified by the Government, from time to time.” and

(c) in sub-section (3), for clause (a), the following clause shall be substituted, namely: —

“(a) undertake necessary surveys, undertake spatial mapping, fix the physical boundary of the slums, identify eligible slum dwellers with community participation, prepare and publish the list of slum dwellers to whom certificate of land right or certificate of property right, as the case may be, shall be issued, in such manner as may be notified by the Government, from time to time.”

PROF.GANESHI LAL

Dated the 4th January, 2022

GOVERNOR OF ODISHA

DILIP KUMAR MISHRA

Principal Secretary to Government (I/C)